

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

EXECUTIVE OFFICE
630 K Street, 5th Floor
Sacramento, California 95814
Telephone: (916) 323-3432
Fax Number: (916) 322-1487
Internet: www.boc.ca.gov

CLOTHILDE V. HEWLETT
Interim Director
Department of General Services
And Chairperson

STEVE WESTLY
State Controller
State Controller's Office
And Board Member

DAVID ROSENBERG
Senior Advisor to the Governor,
Governor's Office
And Board Member

KELLY J. BRODIE
Executive Officer

January 17, 2003

Dear Mental Health Provider:

At its meeting on January 10, 2003, the Victim Compensation and Government Claims Board (Board) adopted a variety of recommendations to address the fiscal challenge facing the Victim Compensation Program (Program). This letter explains several of the recommendations that will most likely have an immediate impact on you.

Payment for Services. The Program faces a shortage of funds and is unable to immediately pay all those who have requested reimbursement. The Board directed that payments be prioritized to ensure that contractual responsibilities are met and to minimize the impact on crime victims. The first priority will be payments to keep the Program functioning, including payroll and operating expenses. The second priority will be payments to victims and the third will be payments to providers.

The Program will continue to approve eligible payments. When funds are not available, we will notify you of the amount of the delayed payment. We will issue State warrants as soon as our financial condition permits. At the latest, this will be when federal grant funds are received, which is anticipated in May 2003.

Service Limitations. The Board adopted service limitations for outpatient mental health counseling related expenses, as well as emergency regulations to implement these service limitations. Three new treatment plan forms have been developed for requesting approval: a **Treatment Plan** (TP), a **Treatment Progress Report** (TPR) and an **Additional Treatment Plan** (ATP). They can be downloaded from the Board's website at www.boc.ca.gov or requested from the Customer Services Unit at (800) 777-9229. The Program is not liable for payment of services that are not approved.

The mental health service limitations are incremental in approach. Initially, an eligible victim will receive up to five mental health-counseling sessions. No additional sessions will be approved without the submission of a TP. If the TP is approved, eligible victims may receive up to 10 more sessions, for a total of 15.

No sessions beyond the first 15 will be reimbursed without submission of a TPR. When the TPR is approved:

- An eligible victim who was a minor at the time of the crime may receive up to 25 more sessions, for a total of 40;
- An eligible victim who was an adult at the time of the crime may receive up to 15 more sessions, for a total of 30; and

- An eligible derivative victim who is a close family member or fiancé/fiancée of a homicide victim may receive up to 15 more sessions, for a total of 30.
- No more than two eligible victims who are the primary caretakers of a minor victim may share a combined total of 30 sessions.

Additional Treatment. Once a victim reaches the session limits of 15, 30, or 40 sessions, we will not approve additional sessions unless we receive and approve a completed ATP. If we approve the ATP, we will authorize a specific number of additional sessions. We will consider five factors when determining whether additional reimbursement is authorized:

- The circumstances of the qualifying crime,
- The diagnosis,
- The progress of the treatment,
- Effectiveness of the treatment, and
- The severity of functional impairment directly attributed to the qualifying crime.

While we will consider all five factors, the most heavily weighted is the circumstances of the qualifying crime, including whether the crime resulted in permanent and substantial impairment to the applicant's activities of daily living.

For your convenience we have included a flow chart to help you understand the steps in the new reimbursement process (***Victims Compensation Program Reimbursement Process for Mental Health Providers***). The Flowchart is included with this letter. Also, we have included a summary overview of these procedures (***Mental Health Provider's Guide to the New VCP Mental Health Session Limits***). The summary overview of the procedures is attached.

Subsequent Requests For Additional Treatment. We will consider the same five factors, but will review each subsequent request with increased rigor, with an emphasis on any extreme circumstances of the qualifying crime. Additionally, payment may be authorized for a limited number of additional sessions in specific situations not addressed by these factors, such as treatment required when a victim is called to testify in a criminal proceeding related to the qualifying crime.

Reimbursement in Excess of Statutory Cap. A request for reimbursement in excess of the statutory cap (\$10,000 for primary and \$3,000 for derivative victims, respectively) will follow this same process. We require a completed ATP in order to identify and evaluate the five factors in their totality, and whether they indicate that dire or exceptional circumstances exist that require extensive treatment.

Reimbursement for New Applicants or for Treatment Begun after Effective Date. The service limitations shall apply to any applicant who applies to the program on or after **February 1, 2003**, and to those who previously applied but have not begun treatment until on or after **February 1, 2003**.

Reimbursement for Treatment in Progress. The service limitations will transition persons who applied to the Program and received mental health treatment prior to the effective date of the regulations into these service limitations.

If a victim has not reached the service limitations by **March 1, 2003**, the service limitations shall apply.

If a victim has reached or exceeded the service limitations by **March 1, 2003**, the process to request additional treatment applies. Reimbursement may be authorized for

up to five additional sessions for the purposes of either terminating treatment or applying for additional treatment.

Audits. Any provider of outpatient mental health services who receives payment from, or whose services the Program reimburses, is subject to clinical and/or fiscal audit. A provider must make all necessary clinical and fiscal records available for audit up to three years after the date that reimbursement was paid.

Center for Medicare and Medicaid Services (CMS) 1500 Billing Form. In a letter to you dated July 31, 2002, you were advised that the CMS 1500 form will be the sole billing form accepted by the Program for mental health services provided on or after September 1, 2002. The program has received questions concerning how to complete the CMS 1500 form. We are providing a table that answers the most frequently asked questions (**CMS (HCFA) Form 1500 Questions and Answers**). The table and a guide (**Guide To Completing CMS (HCFA) Form 1500**) to help you complete this form are attached. Please disregard any prior instructions.

Please note that by signing the CMS 1500 Form, you are attesting to the information on both the front and back. Therefore, please submit the CMS 1500 Form as a one-page front-to-back copy. Submitting complete and accurate forms will expedite the payment process.

Availability of Required Forms. The Treatment Plan, Treatment Progress Report, Additional Treatment Plan, and CMS 1500 forms are available through the Board's website at www.boc.ca.gov. Please follow the link for Forms/Publications to Victim Compensation Forms and Publications. If you do not already have the Adobe Acrobat Reader to open the document, you can download it from the Board's website.

You may also request CMS-1500 forms from the U.S. Government Printing Office by writing to Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954 or calling (202) 512-12800. The charge is \$17 for a pack of 100 forms. The American Medical Association (AMA) at 1-800-621-8335 also offers the CMS-1500 in packages of 50 for \$6.95.

We regret the inconvenience caused by these necessary measures. We share a common goal: to aid the recovery of those who have been victimized. The Program can only accomplish this with dedicated providers like you who provide crucial services. We will overcome this current fiscal challenge. Your continued support of those who have been victimized is genuinely appreciated.

Should you have any questions, please contact us at info@voc.ca.gov or 1-800-777-9229.

Sincerely,

KELLY J. BRODIE
Executive Officer

Attachments

Cc: Victim Witness Centers,
JP Coordinators and Supervisors